IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 28312 of 2007(U)

PETITIONER:

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1. V.M. KARTHIYANI, D/O.VATAVA GOPALAN,
   SREEVATSAM, CO-OPERATIVE BANK COMPOUND,
   KADIRUR, KANNUR DISTRICT.

2. P.K. GOPALAKRISHNAN,
   'KRISHNA', NEAR THRIKKAIKKAL TEMPLE, P.O. PARAL,
   THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.

RESPONDENTS:

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1. THE DIRECTOR OF TRANING,
   DEPARTMENT OF INDUSTRIAL TRAINING, KERALA STATE,
   THYCAUD, TRIVANDRUM-14.

2. THE MANAGER,
   SREE JAGANATH I.T.C., THE PRESIDENT,
   SREE YENJANODAYA YOGAM, TEMPLE GATE,
   TELLICHERRY, KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/10/2007, ALONG WITH W.P. (C) 28517/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C). NOs. 28312 & 28517 OF 2007

Dated this the 17th day of October, 2007

J U D G M E N T

Common issues have been raised in these two writ petitions and they are being disposed of by a common judgment. For the sake of convenience, W.P.(C) No.28312/07 is treated as the leading case.

2. Petitioners are working as instructors under the 2nd respondent, which is a private ITC. A notification was issued by the NCVT that at least two third of the salary being paid to the Government teachers in the Govt. ITC should be paid to the private ITC staff. The validity of this notification was upheld by this Court in **Association of Industrial Training v. Director of Training** [2000 (2) KLT 116] and it was confirmed by a Division Bench of this Court in W.A. No.1501/00. Petitioners contend that notwithstanding such seal of approval given to the notification, the contesting respondents are not paying the said salary to the petitioners. They have brought this to the notice of the 1st respondent under Ext.P5 dated 8.2.07. According to them, the 1st respondent, Director of Training is the

requisite authority to enforce such notification issued by the NCVT and take appropriate action to see that private ITC's comply with the directions contained in the notification.

3. Learned counsel for the petitioners, Sri. Sohan contends that private ITC's are given conditional affiliation and therefore compliance with circulars or instructions issued by the NCVT is a part of conditions of the affiliation granted by NCVT as such.

4. After having heard learned counsel for the petitioners and the learned Government Pleader, the writ petitions are disposed of in the following terms:

In so far as W.P.(C) No.28312/07 is concerned, 1st respondent shall look into Ext.P5, hear the petitioners and the 2nd respondent, and take a decision thereon, in so far as the enforcement of the notification issued by the NCVT and the circular issued by the 1st respondent is concerned. As regards payment of salary to the staff in private ITC's, if petitioners claim are found to be acceptable, consequential steps shall be taken by the 1st respondent in that regard. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioners and the representatives of the 2nd respondent.

In so far as W.P.(C) No.28517/07 is concerned, 1st respondent shall look into Ext.P9, hear the petitioners and the 2nd respondent, and take a decision thereon, in so far as the enforcement of notification issued by the NCVT and the circular issued by the 1st respondent is concerned. As regards payment of salary to the staff in private ITC's, if petitioner's claim are found to be acceptable, consequential steps shall be taken by the 1st respondent in that regard. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioners and the representative of the 2nd respondent.

V.GIRI, JUDGE

vps